

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA)

14-31. Administrative Penalty Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, (CERCLA) to:

- a. make determinations of violations under section 109;
- b. to assess penalties;
- c. to issue orders;
- d. to issue notices or complaints; and
- e. to compile the administrative record upon which the violation was found or the penalty was imposed; and
- f. to negotiate and sign consent orders memorializing settlements under Section 109 between the Agency and respondents.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b. and 1.c. are delegated to the Regional Judicial and Presiding Officer.
- b. The authorities in 1.c., 1.d., 1.e. and 1.f. are delegated to the Director, Hazardous Site Cleanup Division (HSCD); Associate Division Director, Office of Preparedness and Response, HSCD; Associate Division Director, Office of Enforcement, HSCD; Associate Division Director, Office of Superfund Site Remediation, HSCD and the Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).

3. LIMITATIONS.

- a. The delegates must notify the Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Enforcement and Compliance Assurance or their designees when exercising any of the above authorities.

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14-31. Administrative Penalty Actions (Cont.)

3. LIMITATIONS. (Cont.)

b. The delegates in paragraph 2.b. above must obtain the concurrence of the Regional Counsel or his/her designee before exercising these authorities.

c. The Director OECEJ may exercise these authorities only in multi-media cases.

d. The Director OECEJ must consult with the HSCD designee before exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. All applicable Agency guidance and directives.

b. Section 109 of CERCLA.

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-31. Administrative Penalty Actions, 1200 TN RIII-132 (April 27, 1999).

Date 9/1/05

/s/ James W. Newsom For

Donald S. Welsh
Regional Administrator